

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

TOTAL PETROCHEMICALS AND
REFINING USA, INC.,

Plaintiff,

v.

RSI LOGISTICS, INC. and RSI
LEASING, INC.,

Defendants/Third-Party
Plaintiffs,

v.

A&R LOGISTICS, INC.,

Third-Party Defendant.

Case No. 3:20-cv-00372-FDW-DSC

**JOINT MOTION TO MODIFY CAPTION AND PLEADINGS TO INDICATE NEW
NAMES**

Plaintiff Total Petrochemicals and Refining USA, Inc. (“Plaintiff”) and Third-Party Defendant A&R Logistics, Inc. (“Third-Party Defendant”), by and through counsel, hereby move the Court for an Order modifying the caption and pleadings in this matter to indicate Plaintiff’s new name, TotalEnergies Petrochemicals & Refining USA, Inc., and Third-Party Defendant’s new name, Quantix SCS, Inc. In support of this Motion, Plaintiff and Third-Party Defendant show the Court the following:

1. Effective August 1, 2021, Plaintiff, a Delaware corporation, officially changed its name to TotalEnergies Petrochemicals & Refining USA, Inc. by filing a Certificate of Amendment

to the Certificate of Incorporation with the Delaware Secretary of State. A copy of this document is attached hereto as Exhibit A.

2. On or about September 24, 2021, Plaintiff filed an Application for Amended Certificate of Authority with the North Carolina Secretary of State indicating that the corporation had changed its name to TotalEnergies Petrochemicals & Refining USA, Inc. A copy of this document is attached hereto as Exhibit B.

3. Effective September 9, 2021, Third-Party Defendant, an Illinois corporation, officially changed its name to Quantix SCS, Inc. by filing Articles of Amendment with the Illinois Secretary of State. A copy of this document is attached hereto as Exhibit C.

4. On or about September 13, 2021, Third-Party Defendant filed an Application for Amended Certificate of Authority with the North Carolina Secretary of State indicating that the corporation had changed its name to Quantix SCS, Inc. A copy of this document is attached hereto as Exhibit D.

5. Should this motion be granted, pursuant to Fed. R. Civ. P. 7.1(b)(2), Plaintiff and Third-Party Defendant shall promptly file supplemental Disclosure Statements.

6. Undersigned counsel have conferred with counsel for Defendants RSI Logistics, Inc. and RSI Leasing, Inc., and are informed that Defendants do not object to the names being changed in the case caption and in any pleadings or filings going forward.

WHEREFORE, Plaintiff and Third-Party Defendant respectfully request that the Court grant this Motion and modify the case caption and the pleadings to indicate the current and official name of the Plaintiff corporation to be TotalEnergies Petrochemicals & Refining USA, Inc. and of Third-Party Defendant to be Quantix SCS, Inc.

Respectfully submitted, this the 14th day of October, 2021.

K&L GATES LLP

s/ Daniel D. McClurg

Marla T. Reschly
N.C. Bar No. 46706
Daniel D. McClurg
N.C. Bar No. 53768
K&L Gates LLP
300 South Tryon Street, Suite 1000
Charlotte, NC 28202
Phone: (704) 331-7400
Fax: (704) 353-3114
Email: marla.reschly@klgates.com
daniel.mcclurg@klgates.com

Travis L. Brannon (admitted *pro hac vice*)
PA Bar No. 316733
K&L Gates LLP
K&L Gates Center
210 Sixth Avenue
Pittsburgh, PA 15222
Phone: (412) 355-7443
Fax: (412) 355-6501
Email: travis.brannon@klgates.com

Attorneys for Plaintiff

FONTENOT & OYLER, PLLC

s/ Jessie C. Fontenot, Jr.

Jessie C. Fontenot, Jr.
N.C. Bar No. 40597
jfontenot@fandofirm.com
Fontenot & Oyler, PLLC
154 Dornach Way
Bermuda Run, NC 27006
(336) 837-1063/fax(336) 725-8867

Counsel for Third-Party Defendant

FILING ATTORNEY CONFIRMATION

I hereby certify that (i) the content of this Motion is acceptable to counsel for Third-Party Defendant A&R Logistics, Inc. and (ii) counsel for Third-Party Defendant A&R Logistics, Inc. affixed his own signature to this Motion.

s/ Daniel D. McClurg
Daniel D. McClurg

CERTIFICATE OF SERVICE

I hereby certify that on October 14, 2021, I electronically filed the foregoing document with the Clerk of Court using CM/ECF. I also certify that the foregoing document is being served this day either via transmission of Notices of Electronic Filing generated by the CM/ECF or in some other authorized manner for those counsel or parties who are not authorized to receive electronic notice:

F. Marshall Wall
R. Robert El-Jaouhari
Cranfill Sumner & Hartzog LLP
Post Office Box 27808
Raleigh, North Carolina 27611-7808

Attorneys for Defendants

Jessie C. Fontenot, Jr.
Fontenot & Oyler, PLLC
154 Dornach Way
Bermuda Run, NC 27006

Attorney for Third-Party Defendant

s/ Daniel D. McClurg
Daniel D. McClurg